

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
SHAWN ANDRE TURNER,
Defendant.

No. CR18-211 JLR

PROTECTIVE ORDER

This matter, having come to the Court's attention on the Agreed Motion for Protective Order Regarding Certain Discovery Items submitted by the United States of America and Defendant Shawn Andre Turner, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Neither defense counsel nor a member of the defense team¹ may identify non-law enforcement witnesses whose names have been reduced to initials in discovery ("Protected Witnesses") to any other person—other than the defendant—who is not part of the defense team.² With respect to the defendant, defense counsel or a member of the

¹ As used herein, the "defense team" includes defense counsel Robert Flennaugh, as well as other attorneys, contract attorneys, interns, legal assistants, paralegals, investigators, experts, and other professionals who are working on the case and need to have access to discovery, whether they are employees or contractors.

² This restriction is not intended to prevent the defense team from investigating the non-law enforcement witnesses or the credibility of their statements. It is only intended to prevent the defense team from identifying those individuals to others as witnesses or as the sources of certain evidence.

1 defense team may not provide him with written identification of a Protected Witness, but
2 may identify the Protected Witness orally.

3 2. At or before the time of production, the government will clearly designate
4 in writing (including via email), any items of discovery subject to the terms of the
5 protective order ("Protected Material"). That material will be limited to items which
6 cannot be effectively redacted in order to protect the identity of a Protected Witness, such
7 as a recording of that witness's voice.

8 3. Defense counsel and the defense team may not give Protected Material to
9 the defendant, or to any other person who is not part of the defense team, without prior
10 written permission of the government. The defense team may provide non-protected
11 material to the defendant.

12 4. Defense counsel and/or a member of the defense team may review all items
13 of discovery with the defendant. In particular, defense counsel and/or a member of the
14 defense team may review any and all Protected Material with the defendant, including
15 playing any recording for him. The defense team may not review such material with
16 anyone else.

17 5. Defense counsel or a member of the defense team may create a transcript of
18 any recording that is Protected Material, so long as (a) the identities of Protected
19 Witnesses who participated in the recording are not identified in the transcript in any
20 way, or in any other document provided to the defendant, or (b) no copy of the transcript
21 is given to the defendant or to any other person who is not part of the defense team
22 (although it may be shown to the defendant).

23 6. If defense counsel wishes to file any Protected Material with the Court, or
24 to make reference to its contents or to any other material in a manner that would identify
25 a Protected Witness, the filing must be sealed, absent prior written permission of the
26 government to file an unsealed version.

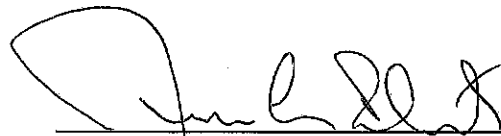
27 7. Defense counsel agrees that the provisions of the protective order shall
28 apply to all members of the defense team. Defense counsel agrees it is his responsibility

1 to ensure that all members of the defense team understand the restrictions of the
2 Protective Order and agree to abide by those restrictions.

3 8. In the event that current defense counsel is replaced by new defense
4 counsel, defense counsel agrees not to turn over any discovery to new counsel without
5 prior written permission of the government. The government will only grant permission
6 when it is satisfied that new counsel has reviewed the terms of the Protective Order and
7 agreed to them.

8 9. This agreement can only be modified by written agreement of the
9 government and defense counsel, or by order of this Court.

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11 DATED this 26th day of September, 2018.

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15 JAMES L. ROBART
16 United States District Judge
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